

Summary of the Ryan's Petition to Amend Accessory Apartment Regulations
(8-3-20 by Tracy Kulikowski, Land Use Director)

Proposed language to be added is shown in ***bold and italics***. Proposed language to be deleted is ~~crossed out~~.

Section 345 Apartments. (Amended 5/26/11) One apartment is allowed within a dwelling if the following conditions are met:

- 345.1** The apartment is located in a dwelling on a lot of 2 acres or more, or on a pre-existing non-conforming building lot.
- 345.2** The apartment is within the main dwelling and shall be designed so that, to the maximum extent possible, the appearance of the building remains that of a one-family residence. An out building or auxiliary structure may not be connected to the main building and made into an apartment or, of already connected may not be used as an apartment.
- 345.3** The apartment shall have a safe and proper means of entrance and exit. In the case of a basement apartment there shall be at least two separated exits and proper ventilation shall be provided.
- 345.4** The floor space devoted to such apartment shall not exceed 25% of the entire floor ~~area~~ ***space*** of the dwelling, nor shall it be greater than ~~800~~ ***1,000*** square feet in gross floor area, ***whichever is the lesser amount, not*** including interior access to the apartment.
(Amended 7/1/89 __/__/20)
- 345.5** The owner (someone who owns not less than one-quarter (1/4) interest in the lot) of the residence in which the accessory apartment is created shall occupy the main section of the house or the apartment except for bona fide temporary absences. In no case shall the house and the apartment be rented simultaneously.
- 345.6** The application shall include an accurate description of the facts of the proposed facility as required by the Commission or its agent. The Commission or its agent may require the applicant to supply architectural drawings, surveyors' maps or engineering data and other such information as the Commission or its agent finds necessary to ensure that the application complies with all applicable regulations.
- 345.7** There shall be no more than one apartment in any Dwelling.

Section 610 Definitions

Apartment: A room or set of rooms, among the other rooms or sets in one building designed for use as a dwelling and which includes cooking, 3 fixture bath and sleeping facilities. (Amended 10/30/86)

Basement Apartment: An apartment any part of which is below the elevation of the finished grade of the ground adjacent to any part of the dwelling at the highest point of elevation. (Amended 10/30/86)

Floor Area: The sum of the gross internal horizontal area of the several floors of the building, but not including attached or built-on garages, porches or terraces, unfinished rooms, or unfinished floor area having a clear head room of less than seven (7) feet (Amended 10/30/86)

The petition also requests that CT Building Code definition of habitable space or habitable floor area be utilized to determine the apartment size rather than gross or total floor area. Habitable space is defined in the CT Building Code as follows:

Habitable Space. A space in a building for living, sleeping, eating or cooking. Bathrooms, toilet rooms, closets, halls, storage or utility spaces and similar areas are not considered *habitable spaces*.”

The Town’s Zoning Regulations currently include all finished floor area in the apartment size calculation, including all finished floor area in rooms with sloped ceilings or dormers, where the ceiling height is less than 5 feet. The CT Building Code, in rooms with sloped ceilings or dormers, would not include those portions of rooms with a ceiling height of less than 5 feet in the calculation of the minimum required habitable floor area or of a room.

Other Issues to Continue to Discuss:

The maximum size of an accessory apartment size was increased from 600 square feet to 800 square feet on 7/1/1989 by the Commission. The size of the apartment has been limited to no more than 25% of the floor area of the principal dwelling since 1970.

Westport Weston Health District Approval – See Section 410.1 which addresses when WWHD approval is required for zoning permit applications. Some communities contain the following section in their accessory apartment regulations:

“The principal dwelling unit and the accessory apartment shall comply with the building code and health and safety regulations.”

Occupancy limitations, either by number of bedrooms or the total number of occupants could be considered. Some communities limit accessory apartments to either one or two bedrooms. The Town of Bethel, for example, limits the total number of occupants in an apartment to two.

Handicapped accessibility